

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

RENAUD BELHOMME,

Plaintiff,

vs.

No. CIV 05-0687 RB/RLP

THE DOWNS OF ALBUQUERQUE, INC.,
ATLAS TEMPORARY SERVICE, INC.,
DAN COOK, General Manager,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER came before the Court for consideration of Plaintiff's "Alternative Motion for New Trial to Alter/Amend Judgment and Grant Relief from Judgment as a Matter of Law" (Doc. 41), filed on March 20, 2006. Judgment was entered in favor of Defendants on March 8, 2006.

A motion to reconsider filed within ten days¹ after judgment is considered a motion under Rule 59(e). *See Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000); *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991). Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. *Brumark Corp. v. Samson Resources Corp.*, 57 F.3d 941, 948 (10th Cir. 1995). Plaintiff advances no grounds that warrant reconsideration. Thus, Plaintiff's motion will be denied.

IT IS ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE

¹ When the period of time is less than 11 days, intermediate Saturdays and Sundays are excluded from the computation. FED. R. CIV. P. 6 (a)